

PATENT

(Practitioner's Docket No. IN-5537)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Herbert BAUMGART and Guido
SCHULZE-FINKENBRINK

Serial No.: 09/926,517

Group Art Unit: not assigned

Filed: November 14, 2001

Examiner: not assigned

For: COATING MATERIAL COMPRISING A MIXTURE THAT CONSISTS OF AT LEAST ONE
WETTING AGENT AND OF UREAS AND/OR OF UREA DERIVATIVES SERVING AS
THIXOTROPIC AGENTS

Attn: PCT

Assistant Commissioner of Patents
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In Triplicate

03 Pages

(X) English Translation Of The International Preliminary
Examination Report

04 Pages

Total Pages

07 Pages

Date: December 17, 2001

Sandra Barry

(Typed or printed name of person signing certification)

Sandra Barry

Signature

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Sandra Barry**COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**Attn: PCT
Hon. Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International
Preliminary Examination Report for the above-mentioned patent application.Applicant believes that no fee is required for submitting the English Translation of the
International Preliminary Examination Report. However, if applicant has inadvertently
overlooked the need for a fee the Commissioner is hereby authorized to charge any
additional fees or credit any overpayment to Deposit Account No. 23-3425.This form is submitted in triplicate.

Respectfully Submitted,


Michael F. Morgan
Registration No. 42,906Date: December 17, 2001
BASF Corporation
26701 Telegraph Road
Southfield, Michigan 48034-2442
(248)-948-2355

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26701 Telegraph Road
Southfield, Michigan 48034-2442
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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PAT99160PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/04621	International filing date (day/month/year) 22 May 2000 (22.05.00)	Priority date (day/month/year) 25 May 1999 (25.05.99)
International Patent Classification (IPC) or national classification and IPC C09D 175/04		
Applicant BASF COATINGS AG		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 04 November 2000 (04.11.00)	Date of completion of this report 27 December 2001 (27.12.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/04621

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed.
- ☒ the description:
 pages _____ 1-40 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-10 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(h)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

Form PCT/PEA/409 (Box I) (July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 00/04621V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability:
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-10	YES
	Claims		NO
Inventive step (IS)	Claims	1-10	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations

The following document is regarded as relevant:

D1: DE-A-43 10 413

The present application concerns a coating material which contains a binding agent, a cross-linking agent, a urea-based thixotropic agent and, as an essential element, a wetting agent which improves the wettability of the thixotropic agent (Claims 1-7), a method for the production of the coating material (Claim 8), the use of the coating material for the production of brilliant clear varnish (Claim 9) and a method for producing a two-layer covering varnish by using the above-mentioned coating material as the clear varnish layer (Claim 10).

Novelty (PCT Article 33(2))

D1 concerns a coating material containing a polyacrylate binding agent, a urea-based thixotropic agent and, optionally, a cross-linking agent (Claim 1 in combination with page 4, lines 17-18).

A wetting agent is not mentioned. The claimed subject matter is therefore novel.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/04621

Inventive step (PCT Article 33(3))

The closest prior art is D1.

Examples 1 and 2 and comparative examples 1 and 2 of the present application show improved flow characteristics of a varnish formulation with the coating material according to the invention containing a wetting agent when compared with a corresponding formulation representing the prior art according to D1 without a wetting agent (Tables 1-3 and page 40, point 11). The available prior art does not contain any information that would suggest to the person skilled in the art to add a wetting agent to the coating material according to D1 to obtain the effect shown in the application.

The invention therefore is also considered inventive.